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IN RE: ARKANSAS SENATE DISTRICTS and )  
ARKANSAS HOUSE DISTRICTS. )  
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MR. LARRY CRANE

5 MR. OLAN REEVES: I'd like to thank  
6 everybody for being here today. If you  
7 haven't signed in, please sign in. We need  
8 an official record of everybody that was

9 here.

10 If you do have a question, please state  
11 your name for the court reporter. We're  
12 taking everything down. That would be most  
13 helpful to her, and otherwise, it will say  
14 "Unidentified woman" or "Unidentified man"  
15 if you have a comment.

16 I'm Butch Reeves, from the Governor's  
17 office. This is Greg Kirkpatrick from the  
18 Governor's office; Tim Humphries, from  
19 Sharon Priest's office and Larry Crane from  
20 the Attorney General's office, and the guy  
21 handing out stuff at the table is Ron  
22 Sheffield, who is actually the redistricting  
23 coordinator at our office in Little Rock.

24 We have a redistricting office across  
25 the street from the State Capitol in the

2

1 Aegon Building, so if you call -- look on  
2 our website or call, it's going to be going  
3 to Ron. He has a staff person to help him.

4           That's where the official computers and maps  
5           and everything are.

6           We will be the staff people in each of  
7           the respective board member staffs working  
8           on the plan.

9           Greg, if you want to put up the --

10          This is what our web page looks like --  
11          the individual board members, as well as our  
12          names, phone numbers and e-mail addresses  
13          are on there, as well, so if you want to  
14          send something to the board, you can go here  
15          or you can send it to us individually, it  
16          doesn't make any difference -- we'll share  
17          it with everyone.

18          But this is our website. You can  
19          e-mail us at any time. Comments -- you can  
20          put comments about plans -- what you want,  
21          what you don't want, on our website. They  
22          can be read by you or anybody else, as well  
23          as us.

24          We've gotten several comments and --  
25          oddly enough, from places we haven't been

1 yet -- mainly from eastern Arkansas. We  
2 were looking at it this morning.

3 Greg, if you'll pull up the time frame?

4 We are conducting several of these  
5 meetings around the state, but the real  
6 crunch time starts next spring, as you can  
7 see. These are the census dates.

8 We're doing about 13 hearings around  
9 the state. We've done about a third of them  
10 so far. We've got some more to go next week  
11 and in December, just like this, in certain  
12 areas.

13 Now, we will have the census numbers in  
14 March -- well, by the end of March, is what  
15 they've told us. So by the end of March, we  
16 will have the census numbers. We'll load  
17 them into our computer and start working on  
18 the plan, as you can see.

19 That's our target date. It's not a  
20 legal date. It's just a date we decided  
21 we're going to do our best to get this plan  
22 up and running.

23 We will come back next summer, between  
24 April and October, with a proposed plan. It  
25 will be on our website, so you can look at

1           it before we get here and have your  
2           questions, your concerns -- whatever you  
3           want to say about it.

4           Then we'll go back and have the board  
5           vote to adopt, change or whatever.

6           I know when they did the plan in '91  
7           and they went back out with the proposed  
8           plan, they came back and the board did  
9           actually make changes based on comments at  
10          public hearings just like this.

11          So it does make a difference what you  
12          think. We want to know what you think and  
13          that's why we're here now.

14          And the reason this is important is  
15          because of residency requirements. We want  
16          a plan so that people will know what  
17          district they're going to live in if they  
18          decide to run for the state senate --  
19          sometimes they need to move -- move into  
20          another town, another county, across the  
21          creek, across the river, whatever they need  
22          to do, they will know it before the

23                   deadlines fall for the 2002 elections.

24                   I can tell you the board has really not  
25                   made any decisions other than to let us go

5

1                   out and have these public hearings. And  
2                   that's really been the only -- we've had one  
3                   meeting, and that's been the result of that.

4                   There haven't been any criteria  
5                   established. There haven't been any  
6                   guidelines established yet. The only  
7                   guidelines that we will be following will be  
8                   what the Supreme Court has said we should be  
9                   looking at, communities of interest,  
10                  compactness.

11                  We're not under a court order this  
12                  time, so we will be -- I don't want to say  
13                  as hampered, but we will be able to draw  
14                  some lines without being forced to by a  
15                  court this time.

16                  That doesn't mean we're not going to  
17                  consider all the things that we need to

18 consider, but we won't be as hampered as  
19 they were in '91.

20 We anticipate -- I think Ron was  
21 passing out the preliminary numbers for  
22 population. I think, Tim, it's -- we think  
23 a house district will be 25,000 plus a few  
24 hundred people. A senate district is 72  
25 this time.

6

1 So if you're in a district that has  
2 lost population and doesn't come up to the  
3 25,000, chances are your district is going  
4 to have to be enlarged to accommodate the  
5 25,000.

6 We are going to start with the 1991  
7 lines and move those. We're not going to  
8 erase those and start from scratch, that's  
9 just too difficult.

10 So chances are your district will look  
11 somewhat like it does now, but it could  
12 change, just depending on the numbers and

13 the rate of growth or the rate of loss of  
14 population in some districts. It will just  
15 depend on when we get the numbers.

16 Our website also has current case law  
17 that we're required to follow -- what the  
18 Supreme Court has said about redistricting  
19 and how we draw the lines and do the map.  
20 It has a lot of other stuff on it, too, so  
21 really look at that. It kind of gives you a  
22 guideline of where we are at this point.

23 We're really here today to hear what  
24 you anticipate you want, what you think you  
25 want, what you want us to know, what you

7

1 want the board to know, what you want them  
2 to consider in drawing the plan for your  
3 districts around here, the senate and house  
4 districts. That's really why we're here.

5 Tim, did -- Tim probably wanted to show  
6 you our computer software, what we'll be  
7 using to do this with.



8 MR. TIM HUMPHRIES: Okay. Just a  
9 couple of comments about our computer  
10 software. Are there any members of county  
11 boards of election commissions here by any  
12 chance? Good.

13 We going to -- we're using auto.Bounds  
14 software, runs on an ArcView platform, which  
15 is an Esri product.

16 Now, I don't know exactly what I've  
17 just told you, but -- those are the brand  
18 names. Esri is E-s-r-i.

19 At the local level, you're going to  
20 have to be drawing JP districts and things  
21 like that -- maybe wards, other electoral  
22 zones.

23 We're going to use this software,  
24 obviously, to do our job -- to draw the  
25 state representative and state senate

8

1 districts, but we're also going to make some  
2 technical assistance available at the local

3 level in drawing the JP districts, at least,  
4 and maybe some others, too. So if you're  
5 interested in working with us on that, we'll  
6 be happy to talk to you about that.

7 But like I said, this auto.Bound  
8 software is what the board is going to use  
9 to draw these plans. The maps that we  
10 handed out -- and I hope that we had enough  
11 -- I doubt that we did -- but these maps are  
12 a product of that. You can sort of see what  
13 it will do.

14 We're hoping to have much better maps  
15 than we had after the '91 redistricting.  
16 We're hoping that we can use this software  
17 to do a lot of things in furtherance of  
18 having -- for the Secretary of State's  
19 office and the Board of Apportionment to  
20 have one-stop shopping to find out what your  
21 electoral district is.

22 Now, if you live in a place and you  
23 want to find out what representative  
24 district you vote in, what JP district you  
25 vote in -- maybe even in if you live in a

1 school that's got zoned elections and you  
2 want to know what zone you live in -- we're  
3 hopeful that we can use this new technology  
4 that we have to be able to enable you to do  
5 that just by going to a website that the  
6 Secretary of State's office will have. So  
7 we've got high hopes for the software.

8 Anybody got any questions about that?

9 If not, we can go right into the  
10 comments, if anybody has any comments.  
11 That's what we're here for.

12 MR. LARRY CRANE: We have precinct  
13 versus township this time.

14 MR. TIM HUMPHRIES: Right. Right.  
15 This -- what you see here is a precinct map.  
16 Those are the precincts that were reported  
17 to the Census Bureau back in 1990. We drew  
18 the districts the last time based on  
19 townships instead of precincts. That was a  
20 huge mistake.

21 It didn't impact this area of the state  
22 so much as it impacted other areas of the  
23 state, but it -- I think the county clerks  
24 in attendance and the election commissioners  
25 will know that that's a pretty significant

1 change in our basic building block, from the  
2 township to the precinct level.

3 So again, the precinct is going to be  
4 our basic building block. That's what you  
5 see up here, a map of the current districts,  
6 and I believe it even shows the precincts.

7 Yes, ma'am?

8 UNIDENTIFIED SPEAKER: If we move -- am  
9 I correct in saying --

10 MR. TIM HUMPHRIES: I'm sorry. Could  
11 you state your name and --

12 MS. THELMA HAMMONDS: Thelma Hammonds.

13 MR. TIM HUMPHRIES: Okay.

14 MS. THELMA HAMMONDS: If you move, am I  
15 correct in saying it's your responsibility  
16 to find out where you are, or will you go to  
17 the county and --

18 MR. TIM HUMPHRIES: It's the voters'  
19 responsibility to change their address --  
20 make sure that their address is changed as

21 far as the voter registration.  
22 MS. THELMA HAMMONDS: So we'll know.  
23 MR. TIM HUMPHRIES: So they'll know --  
24 that's right.  
25 MS. THELMA HAMMONDS: Well, now, what

11

1 happens when they're changed without you  
2 knowing? Like, you know, we have a new  
3 count coming up, you just have to keep up  
4 with that?  
5 MR. TIM HUMPHRIES: That's -- in that  
6 situation, where lines have to be changed,  
7 that's going to be the county clerk's  
8 responsibility to let all the voters know  
9 that their lines have changes.  
10 So all the county clerks in the  
11 audience -- and I know there's one -- need  
12 to be sure to go to your quorum courts at  
13 some point in time, because the timetable is  
14 real important.  
15 This is going to be done for the

16 elections -- the filing period is going to  
17 start in March, 2002, and the election is  
18 going to be held in May, 2002, so sometime  
19 before that time, the clerks will be  
20 notifying all voters about what districts  
21 they vote in.

22 It's a large job. It truly is. If  
23 there are any quorum court members out  
24 there, it takes a lot of money for postage  
25 and things like that.

12

1 Anybody else have any comments? We'd  
2 be happy to hear them. I know that a lot of  
3 folks from around here have found the  
4 website and are using our comment section  
5 and we appreciate that. We'd encourage --

6 UNIDENTIFIED SPEAKER: You all will be  
7 redistricting the JP districts, too?

8 MR. TIM HUMPHRIES: No, we're not going  
9 to actually redistrict the JP districts.  
10 I'm sorry -- would you state your name,

11 please?

12 UNIDENTIFIED SPEAKER:

13 (Unintelligible).

14 MR. TIM HUMPHRIES: No, we're not going  
15 to be redistricting the JP districts.  
16 That's a function -- that's a job of the  
17 county election commissions. We're going to  
18 help. I mean, we're going to have -- we're  
19 going to try to distribute this hardware and  
20 software out in various parts of the state  
21 and we're going to have some in Little Rock  
22 and we're going to try to provide assistance  
23 to the local folks to do that.

24 And hopefully -- you know, it's hard to  
25 do, but hopefully, they'll be able to do it

13

1 after we've finished our job. We'll be able  
2 to finish ours early enough that when the --  
3 the JP deadline -- the deadline for doing JP  
4 districts is January of 2002, so hopefully  
5 between the time we finish and that date,

6                   you know, the counties can sort of  
7                   coordinate their JP lines so that there's at  
8                   least minimized confusion at the precinct  
9                   level as to where your precincts are.

10                  Yes, sir?

11                  MR. JOHN KING:  John King.  I thought I  
12                  heard you say or someone say that you're not  
13                  going to change these lines up, you're just  
14                  going to enlarge or shrink them or move them  
15                  around according to the population.  Did I  
16                  understand that right?

17                  MR. TIM HUMPHRIES:  Well, I think we're  
18                  going to start with these lines.  I mean,  
19                  the first thing that the staff will do is  
20                  take this plan and then put the 2000 Census  
21                  numbers into this plan and we'll look and  
22                  see where we are.

23                  If you've got the handout that has got  
24                  the Census Bureau estimates on it, I think  
25                  you'll see that while -- the size of the



1 district is going to have to increase,  
2 population-wise.

3 Right now, the average district size is  
4 about 23,500. In 2001, the average district  
5 size is going to have to be about 25,000 and  
6 change, so it's going to increase about  
7 2,000.

8 MR. JOHN KING: I think the reason that  
9 I asked that -- because some of these look  
10 weird or -- the word gerrymandering probably  
11 isn't correct, but let's -- let's think  
12 about -- is there any way that we can get  
13 these squared up, or is that a political  
14 situation, or do we have to go somewhere  
15 else to do this?

16 Particularly looking the Arkansas house  
17 district for our areas here, I mean, it just  
18 wanders around.

19 I do know there have been some Supreme  
20 Court judgments on this where they've said  
21 we need to be a little more cohesive than we  
22 are. Can we do that this year?

23 MR. TIM HUMPHRIES: It totally depends  
24 on how the population numbers fall out. I  
25 mean, we have --

1                   MR. JOHN KING: That doesn't have  
2                   anything to do with what I've said,  
3                   because --

4                   MR. TIM HUMPHRIES: It has everything  
5                   to do with that. I mean, where the  
6                   population is, what the population changes  
7                   have been, where people live, that has  
8                   everything to do with how the districts are.

9                   MR. JOHN KING: Well, you've looked at  
10                  this, I assume?

11                  MR. TIM HUMPHRIES: Yes, sir.

12                  MR. JOHN KING: It's going all the way  
13                  around. You can get the same population in  
14                  a square, rather than in a wandering manner.

15                  MR. TIM HUMPHRIES: That -- right.  
16                  There are all kinds of considerations that  
17                  have to be made.

18                  MR. JOHN KING: Who makes that  
19                  consideration?

20                  MR. TIM HUMPHRIES: The Board of  
21                  Apportionment -- the Governor, the Secretary  
22                  of State and the Attorney General.

23                  MR. JOHN KING: So he can square things  
24                  up -- or they can square things up?

1 criteria for districting allow that, then,  
2 yeah, maybe they -- they could possibly --

3 MR. JOHN KING: What is the legal --

4 MR. TIM HUMPHRIES: Just about anything  
5 is possible, but --

6 MR. JOHN KING: What is the legal --  
7 what does the word legal mean to you in that  
8 sense?

9 MR. TIM HUMPHRIES: I would encourage  
10 you to look at our website, because there's  
11 a more detailed discussion of that than I'm  
12 going to be able to provide for you here.

13 But the Fourteenth Amendment of the  
14 United States Constitution, the Voting  
15 Rights Act, the Fifteenth Amendment of the  
16 U.S. Constitution, Article 8 of the Arkansas  
17 Constitution and all the cases that have  
18 been decided regarding redistricting that  
19 have used those laws, that's the legal

20 criteria that the board will go by.

21 And, you know, they've got to look at  
22 those cases that you talked about. They've  
23 got to look at the Voting Rights Act cases.  
24 They've got to look at the Jeffers case,  
25 which was decided in 1989, which largely

17

1 shape how those districts that you're  
2 talking about look.

3 I mean, that case pretty much mandated  
4 how those districts look. That case, by the  
5 way, was affirmed by the U.S. Supreme Court.  
6 So all that has to be taken into  
7 consideration and will be taken into  
8 consideration by the board.

9 But the main thing is where is the  
10 population. I mean, that's -- and that's  
11 unknowable until sometime in March when we  
12 get those numbers.

13 It's not unknowable. I mean, you know  
14 about where people live and you know about

15                   what's happened in population patterns in  
16                   this area of the state. Just like we were  
17                   in northwest Arkansas the day before  
18                   yesterday -- we were in Magnolia yesterday.  
19                   And those -- locally, they know how  
20                   population patterns have shifted.

21                   MR. JOHN KING: Well, I'm going to push  
22                   you on this, now, because I really -- this  
23                   is why we're here. I mean, you look up at  
24                   Cross County and it's a square here in this  
25                   little color view here.

18

1                   MR. TIM HUMPHRIES: Are you talking  
2                   about the senate or the house?

3                   MR. JOHN KING: The house.

4                   MR. TIM HUMPHRIES: Okay. All right.  
5                   Pretty much.

6                   MR. JOHN KING: And, you know, that  
7                   seems logical.

8                   MR. TIM HUMPHRIES: Uh-huh.

9                   MR. JOHN KING: Are we going to be

10 logical or do we take race into  
11 consideration in this?

12 MR. TIM HUMPHRIES: There are all kinds  
13 of considerations. I mean, the Supreme  
14 Court has said that in some circumstances,  
15 you have to take race into consideration.  
16 You know, there are certain circumstances  
17 that prevail given the population patterns  
18 that we have. I mean, that could be.

19 There are strangely-shaped districts  
20 all over the map. I point your attention to  
21 number 18 there as one that's kind of oddly  
22 configured. I mean, but, you know, there's  
23 a reason for that.

24 I mean, sometimes districts just get  
25 squeezed between two other districts, where

19

1 you're trying to get your populations right,  
2 you know.

3 One of the main criteria that we have,  
4 probably the preeminent one -- is that one

5 person, one vote. That is, each district --  
6 the largest district can't be more than ten  
7 percent, you know, bigger than the smallest  
8 district. There's a ten-percent variance  
9 that we have.

10 Again, I would really -- I would really  
11 -- the website has a pretty thorough  
12 explanation of these kinds of issues, I  
13 think, and at least it will point you in the  
14 direction, you know, to find some answer to  
15 these questions.

16 And we also have some papers that were  
17 done for the National Council of State  
18 Legislatures that are accessible through our  
19 website and through the NCSL's website that  
20 I think you will find helpful in thinking  
21 about that.

22 Have I answered your question? I hope  
23 I have.

24 MR. JOHN KING: About 50-50.

25 MR. TIM HUMPHRIES: Okay. That's about

1 the best a lawyer can do.

2 Yes, ma'am?

3 MS. KAY THOMAS: Hi. My name is Kay  
4 Thomas. Will registered voters have  
5 anything to do with this or is this strictly  
6 by head count?

7 MR. TIM HUMPHRIES: It's just strictly  
8 by head count. Voting-age population has  
9 something to do with it -- voting-age  
10 population. Obviously, not everybody of  
11 voting-age population is a registered voter.

12 We won't have registered-voter numbers  
13 in our database as we're going through and  
14 making the changes in these districts. That  
15 won't be part of our database.

16 Yes, sir?

17 MR. HOWARD TAYLOR: Howard Taylor. Let  
18 me get this straight. You said a while ago  
19 that you all are going to do the districts,  
20 right?

21 MR. TIM HUMPHRIES: The Board of  
22 Apportionment will do --

23 MR. HOWARD TAYLOR: It's up to the  
24 local people to handle wards and JP  
25 districts?



1 MR. TIM HUMPHRIES: Correct.

2 MR. HOWARD TAYLOR: We've got a ward  
3 here that, when the boundary lines come  
4 down, it skips all the way over into another  
5 ward and takes in three blocks. I never  
6 have found the rationale behind that. But  
7 that's up to the local people?

8 MR. TIM HUMPHRIES: That's a local  
9 decision, correct. And I don't know what  
10 you're -- are you talking about Helena or  
11 your --

12 MR. HOWARD TAYLOR: West Helena.

13 MR. TIM HUMPHRIES: -- particular --  
14 West Helena? I know there's been some  
15 litigation in this area about that.

16 Yes, sir?

17 MR. STEVE EDWARDS: Steve Edwards.  
18 Will there be an effort to keep these things  
19 in the county -- like I know you said 25,000  
20 -- Phillips County projection is 27,000 --  
21 will there be an effort to keep most of that  
22 in Phillips County or another district?

23 MR. TIM HUMPHRIES: That's so hard to  
24 do. I mean, it's kind of hard to explain  
25 how this process works, but that's so hard

22

1 to do.

2 You've got 75 counties in Arkansas,  
3 varying in size from -- you've got 5,000  
4 folks in Calhoun County and 350,000 in  
5 Pulaski County. So you've got to split  
6 counties and you've got to combine counties.

7 And once you start doing that -- once  
8 you start splitting counties -- you can see  
9 in the '91 plan, in the house, in  
10 particular, there's very few counties that  
11 are intact. There are just very, very few  
12 counties that were intact.

13 MR. STEVE EDWARDS: Where do you start?  
14 I mean, say you just wanted to start in  
15 Phillips County, here's the 25,000, this  
16 2,000 goes somewhere else and --

17 MR. TIM HUMPHRIES: Right. Then if we

18 started with Columbia County, I mean, it's  
19 right on the money, so, you know -- but yes,  
20 that's the question. Where do you start.

21 In '91, we were required to start in  
22 this area. We were required to start in the  
23 delta, because that's the only way that we  
24 could comply with the court's order.

25 MR. OLAN REEVES: The board hasn't

23

1 decided that yet. Every place we've been,  
2 they've asked to start in their county.

3 MR. TIM HUMPHRIES: Yes, you're, what,  
4 the fifth stop on our little tour here --  
5 you're the fifth group of folks that have  
6 asked us to start here.

7 MR. OLAN REEVES: That's something the  
8 board will decide, as well as these other  
9 criteria that you've been talking about.  
10 That's things the board meets and takes into  
11 consideration and instructs us, when we  
12 start building a plan, how we're to do it.

13                   That's what -- that's their job. That's  
14                   what they're going to do, tell us how to --  
15                   what the guidelines are and how we're going  
16                   to start.

17                   MR. TIM HUMPHRIES: Yes, sir?

18                   UNIDENTIFIED SPEAKER:  
19                   (Unintelligible).

20                   MR. TIM HUMPHRIES: I'm sorry -- she  
21                   didn't get your name.

22                   MR. CLARK HALL: Clark Hall.

23                   MR. TIM HUMPHRIES: Clark Hall.

24                   MR. CLARK HALL: A question. Do you  
25                   all have preliminary figures that gives an

24

1                   estimate -- in northwest Arkansas --  
2                   (unintelligible) southeast quadrant of the  
3                   state and also on the senatorial district,  
4                   can you give us an idea of how many we're  
5                   going to lose?

6                   MR. TIM HUMPHRIES: Were you one of the  
7                   ones -- did you get one of those handouts

8 from the Census Bureau?

9 MR. CLARK HALL: I did.

10 MR. TIM HUMPHRIES: Okay. You can sort  
11 of gauge it by that.

12 MR. CLARK HALL: Well, as you say,  
13 we're aware that we've lost quite a --

14 MR. TIM HUMPHRIES: Right.

15 MR. CLARK HALL: -- (unintelligible) --  
16 someone in your office or your organization  
17 have an idea?

18 MR. TIM HUMPHRIES: Right. And the  
19 only idea that we have is based on the  
20 numbers that we handed out to you today, and  
21 so --

22 MR. CLARK HALL: You don't --

23 MR. TIM HUMPHRIES: You know, based on  
24 that -- I haven't added this up yet, but it  
25 looks like Benton and Washington Counties --

25

1 you all might look at it -- looks like they  
2 gained about, what, 40,000 or 50,000 in

3 population during this time?

4 And so, if a house district is 25,000,  
5 then that adds up to a couple of house  
6 districts, if that's -- if it's 50,000.

7 MR. CLARK HILL: Is the paper correct  
8 in saying that the Fort Smith area, they're  
9 going to pick up two house seats?

10 MR. TIM HUMPHRIES: I really don't  
11 know. I mean, like I say, you can look at  
12 the --

13 MR. CLARK HILL: You're right, sir;  
14 you're a good lawyer.

15 MR. TIM HUMPHRIES: Well, you can look  
16 at Sebastian County's numbers and -- might  
17 combine that with Crawford County's numbers  
18 on the thing and it will give you some idea.

19 Basically, you just divide 25,000 into  
20 the number -- amount of population that's up  
21 there and that gives you a general idea. I  
22 mean, that -- one thing, let me caution  
23 about, don't take those numbers too  
24 seriously, at least the '99 estimates on  
25 there, because they are just estimates and

1           they're not -- they are definitely not the  
2           final numbers exactly that we are going to  
3           get from the Census Bureau, but I -- you  
4           know what's happening in your part of the  
5           state.

6                     Up in northwest Arkansas, they knew  
7           what was happening up in their part of the  
8           state. Everybody knows, I think, that they  
9           are gaining population. So, like I say,  
10          those are given out to just sort of give you  
11          an idea of how those things work.

12                    And you have to take into  
13          consideration, too, that the average  
14          district size, because of the population of  
15          the entire state has increased, that the  
16          average district size will also increase.  
17          It's going from 23,000 to 25,000 in the  
18          house and from roughly 67,000 to roughly  
19          72,000, so -- I'm a lawyer, but I'm not a  
20          good mathematician.

21                    Yes, sir?

22                    MR. STEVE EDWARDS: Steve Edwards. Are  
23          the prison populations in Forrest City and  
24          Brinkley -- are those going to count in  
25          this, even though they're not eligible to

1 vote?

2 MR. TIM HUMPHRIES: It did in '91 and I  
3 suspect the same will be the case in this  
4 redistricting. It might -- we will  
5 probably look at that again. I mean, there  
6 was some -- that was based on some court  
7 decisions in '91 -- not court decisions in  
8 Arkansas, but just reading decisions that  
9 had been made in other jurisdictions.

10 And, you know, unless something is  
11 changed, I suspect that will continue to be  
12 the case. But, you know, those prison  
13 populations have increased quite a bit, only  
14 they've been spread out somewhat, over the  
15 states and during the decade.

16 MR. STEVE EDWARDS: This preliminary  
17 number for Lee County, will you have the --

18 MR. TIM HUMPHRIES: Yes.

19 MR. STEVE EDWARDS: -- population --

20 MR. TIM HUMPHRIES: That will include  
21 whatever they thought was in the prison as



22 of July 1 of '99.

23 Yes, sir?

24 MR. BILL BROTHERS: I'm Bill Brothers  
25 and I wonder if -- talking about these lines

28

1 that are drawn from population here, how  
2 many people here and how many people there  
3 -- you can go about it that way -- is race  
4 brought into that, too? To me, they're all  
5 just people.

6 MR. TIM HUMPHRIES: There is -- if  
7 you're talking about the '91 lines, race was  
8 a criterion in '91.

9 MR. BILL BROTHERS: I'm talking about  
10 the new one.

11 MR. TIM HUMPHRIES: In the new one,  
12 they're, you know, we're looking at the  
13 numbers, we're looking at the case law,  
14 we're looking at everything to try to draw  
15 that -- how it's going to be done. And  
16 we're hearing comments from the local folks.

17 Yes, sir?

18 MR. STEVE HIGGINBOTHAM: I'm Steve  
19 Higginbotham from Marianna and I was a  
20 candidate for State Senate District 22 this  
21 past spring in the Democratic Primary and,  
22 as you well know, State District 22 includes  
23 Phillips, Lee, St. Francis and Crittenden  
24 counties.

25 It's one of the best examples, in my

29

1 mind, of gerrymandering that existed from  
2 the Jeffers v. Clinton case, which,  
3 obviously, it's 1991, there have been some  
4 court cases that have gone contrary to that.

5 The four largest communities in  
6 District 22 are Helena and West Helena,  
7 Forrest City and West Memphis. All are  
8 divided by neighboring senate districts for  
9 the sole purpose to create a separation of  
10 blacks and whites.

11 The last thing this area of the delta

12 needs is a senate district drawn to create  
13 racial division among our communities.

14 We have fought battles of race  
15 discrimination and segregation whose wounds  
16 are still felt in our area. We do not need  
17 to go back in time to create divisions and  
18 polarize our races.

19 District 22 has an African-American  
20 senator, two African-American state  
21 representatives, nine African-American  
22 mayors, and most of our city councils and  
23 our quorum courts are divided equally.

24 This shows me in a general election of  
25 the population of a non-gerrymandered

30

1 setting, equal opportunity for qualified  
2 candidates. No matter how you redraw this  
3 senate district, you will still have a  
4 majority African-American population in the  
5 delta.

6 We need to elect officials based on

7                   qualification and on issues and not on the  
8                   color of their skin. This is presently not  
9                   the case in District 22, with an 80-percent  
10                  black population and a 20-percent white  
11                  population within the present district.

12                 We need a district that does not divide  
13                 our communities, our neighborhoods, and,  
14                 most of all, does not divide our people.

15                 I hope Governor Huckabee, Secretary of  
16                 State Priest and Attorney General Pryor -- I  
17                 ask of them to draw a senate district with  
18                 logical and geographic boundaries, with  
19                 common associations, and put common sense  
20                 back in this senate district.

21                 We do not need to continue with the  
22                 island district that is presently in  
23                 Phillips County within our district, which  
24                 was drawn to confuse and separate our  
25                 citizens. Neither does any community need

1                   to be divided.

2                   While campaigning last spring, I  
3 realized that very few citizens in our four  
4 largest communities even knew who their  
5 state senator was due to the irregular lines  
6 drawn within their own neighborhoods.

7                   It is your responsibility to ensure  
8 that everyone, both black and white, have  
9 equal and fair representation in compliance  
10 with the laws.

11                  I appreciate you all being here today  
12 to hear our concerns.

13                  MR. TIM HUMPHRIES: Thank you.

14                  Anybody else?

15                  Yes, sir?

16                  MR. J. B. SMITH: Yes, J. B. Smith,  
17 from Marianna. Just looking at the senate  
18 district that Steve was just speaking of --  
19 looking at the compilation -- St. Francis,  
20 Lee and Phillips County -- if you all could  
21 put those in one senate district, then you  
22 would have a district that everybody has got  
23 something in common. The three districts --  
24 we don't have anything in common with  
25 Crittenden County.

1                   Looking at your compilation, Lee,  
2                   Phillips and St. Francis County would make a  
3                   perfect senate district, and as far as for  
4                   myself, this would make common sense to put  
5                   those three counties into one senate  
6                   district.

7                   MR. TIM HUMPHRIES: Thank you.

8                   Anybody else?

9                   Yes, sir?

10                  MR. DODD DAGGETT: I have some prepared  
11                  comments and I would like to borrow your  
12                  podium, if I may.

13                  MR. TIM HUMPHRIES: Sure.

14                  MR. DODD DAGGETT: My name is Dodd  
15                  Daggett. I'm an attorney from Marianna,  
16                  Arkansas. I have some questions that I  
17                  think are philosophical in nature and I'm  
18                  going to ask you some questions -- but now  
19                  that I realize that there are  
20                  representatives from each of the elected  
21                  officials obliged to draw these lines -- and  
22                  we need to understand that these lines  
23                  aren't drawn by you and me, they are drawn  
24                  by three politicians. They have their

1                   When you know the answer my question,  
2                   I'll ask that you please just blurt it out.  
3                   When you were in school, the teacher said  
4                   not to do that, but for this group here,  
5                   just do that.

6                   There are several quotes that I have  
7                   that may seem a little flowery, but they're  
8                   basically dealing with what we are as a  
9                   democracy, so if you know this one -- well,  
10                  you ought to know this one.

11                  Where did the quote come from -- "We  
12                  hold these truths to be self-evident that  
13                  all men are created equal", who knows that?

14                  It's our Declaration of Independence,  
15                  1776.

16                  And then the next great document that  
17                  followed that one -- the great freedom  
18                  document that we all live under, is the  
19                  Declaration of Independence that was passed

20 and ratified in 1787.

21 Now there's one other quote -- we know  
22 that all men are created equal. Remember  
23 when we were back in school and we had to  
24 read in American literature the novel that  
25 had this quote -- "All animals are created

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1 equal, but some animals are more equal than  
2 others."

3 Do you remember that? That was a  
4 political satire on communism. That satire  
5 was basically saying we're all equal, but  
6 some of us have more power than others.  
7 That's not what we want here.

8 Another simple quote that we surely all  
9 ought to know is this one, is the one that  
10 deals with, "I have a dream that my four  
11 little children will one day live in a  
12 nation where they will be judged not by the  
13 color of their skin, but by the content of  
14 their character."





10 yellow people can't live over here, red  
11 people can live over here, all of those  
12 decisions came from the United States  
13 Supreme Court when the Supreme Court said  
14 they are unconstitutional, we can't have  
15 them.

16 The question that I think has been  
17 asked in the back that needs to be  
18 emphasized is what is gerrymandering.

19 Traditionally, we think of  
20 gerrymandering as being a Republican who  
21 says I will draw the lines so that I get  
22 more seats in the House of Representatives,  
23 or a Democrat decides he will draw it so he  
24 can get it. We understand gerrymandering  
25 there.

36

1 The question is: What is racial  
2 gerrymandering? Now, we have that over in  
3 eastern Arkansas. The Supreme Court has  
4 said -- the United States Supreme Court --

5           that racial gerrymandering is drawing the  
6           voting districts using race as the  
7           predominate force in districting  
8           determination.

9           The Supreme Court, in the great case  
10          that we have of Miller v. Johnson -- I  
11          suspect you've read that one -- I trust --  
12          that's an affirmative? Yes, you have.  
13          That's good.

14          It deals with such things that are  
15          bizarre. The gentleman in the back  
16          mentioned our districts -- for example, 22,  
17          that's a senate district. That one  
18          qualifies as bizarre. It has an island in  
19          the middle of it.

20          Another district is the one below it,  
21          seven, a state senatorial district. It goes  
22          down and hooks around --

23          MR. TIM HUMPHRIES: Congressional  
24          district.

25          MR. DODD DAGGETT: Is that not a --

1                   isn't that a state senate?

2                   MR. TIM HUMPHRIES: No, this is not --  
3                   I'm sorry. Yes, that --

4                   MR. DODD DAGGETT: That is a state  
5                   senate.

6                   MR. TIM HUMPHRIES: I thought you --

7                   MR. DODD DAGGETT: That's two good  
8                   examples here in the delta of where we have  
9                   bizarre, strange districts.

10                  The United States Supreme Court has  
11                  just basically said we can't do that.

12                  When we look at our representatives'  
13                  districts, they're the same way. They come  
14                  and they go and they make it difficult on  
15                  clerks. I think clerks will nod their head,  
16                  that they can't figure out where to put  
17                  boxes or who does what. This needs to be  
18                  done away with.

19                  Basically -- basically, we have, in  
20                  eastern Arkansas, racial gerrymandering in  
21                  Lee, Phillips, Monroe, St. Francis,  
22                  Crittenden, Desha, Lincoln, Cleveland,  
23                  Jefferson, and there's probably others in  
24                  the center of the state that I'm not  
25                  familiar with.

1                   We need to basically review the little  
2                   simple questions I've asked you and I think  
3                   -- I think you'll understand where I'm  
4                   coming from.

5                   Our Declaration of Independence, the  
6                   United States Constitution says all men are  
7                   created equal.

8                   We've got a great civil rights leader  
9                   who has pointed out the error of our ways on  
10                  many things and said we're supposed to be  
11                  equal as we go through life.

12                  Our freedoms that we have as a U.S.  
13                  citizen come from the Constitution. The  
14                  Constitution is interpreted by the United  
15                  States Supreme Court. We don't get to  
16                  interpret it -- determine the Constitution,  
17                  the Supreme Court does.

18                  And we have racial gerrymandering in  
19                  eastern Arkansas.

20                  And I've got two final questions that  
21                  disturb me. The question is -- and I was  
22                  delighted to hear some of your comments --  
23                  does Attorney General Pryor, Secretary of

24 State Priest and Governor Huckabee know and  
25 understand that racial gerrymandering is

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1 unconstitutional and illegal?

2 MR. TIM HUMPHRIES: They are going to  
3 be aware of what the law is. Now, I'm not  
4 sure that the law is exactly as you've  
5 stated it today.

6 MR. DODD DAGGETT: Okay.

7 MR. TIM HUMPHRIES: But they are going  
8 to be aware of what the law is.

9 MR. DODD DAGGETT: Okay. The next  
10 question that I have is, basically, will  
11 they do the right thing?

12 I mean, boy, this is a great political  
13 opportunity here for someone to gather unto  
14 himself a whole series of votes by doing  
15 what is politically correct rather than what  
16 the Supreme Court says.

17 Now, I would like to add to my remarks  
18 -- since I'm not quite sure that the

19 governor knows the law -- that's a real  
20 simple opinion -- probably someone else has  
21 handed you other opinions before dealing  
22 with that, but it's very concise and it is  
23 easy read.

24 I would direct the Governor and the  
25 Attorney General to the University of

40

1 Arkansas Law Journal, Volume 19, Fall, 1996,  
2 Constitutional Law, Equal Protection under  
3 the Constitution.

4 That's what we're dealing with, the  
5 Fourteenth Amendment, equal protection under  
6 the law -- "Race shall not be the  
7 predominant factor in congressional district  
8 drawing", and the cite there is Miller v.  
9 Johnson.

10 Those are the simple questions that I  
11 have. I trust that you will deliver these  
12 to the Governor and the Secretary of State  
13 and the Attorney General, because if they

14 don't -- and I surely hope they understand  
15 this -- if they come in here and draw lines  
16 that are as bizarre as we have now -- and  
17 the Supreme Court uses the words bizarre,  
18 irrational -- I think the classic case is  
19 the one of the district that was drawn in  
20 Georgia where it followed an interstate  
21 highway, and that composed the district.

22 If they do that, all they're doing is  
23 buying a litigation. They're going to get  
24 sued.

25 And there's no need -- no need -- to

41

1 have the state go through this type of  
2 litigation. It would be expensive, it would  
3 be protracted, it would be divisive.

4 So my request and plea is that they do  
5 what's right, draw the lines according to  
6 what the United States Supreme Court has  
7 said.

8 Thank you.



9 MR. TIM HUMPHRIES: Anybody else?  
10 Again, I would urge you to look at our  
11 website. It has got a discussion of these  
12 issues on it.  
13 UNIDENTIFIED SPEAKER: Is that a dash  
14 on the website?  
15 MR. TIM HUMPHRIES: I'm sorry?  
16 UNIDENTIFIED SPEAKER: Is that a dash?  
17 MR. TIM HUMPHRIES: No, there are no  
18 dashes, I don't think. It's a slash.  
19 UNIDENTIFIED SPEAKER: I meant slash.  
20 MR. TIM HUMPHRIES: Slash. Slash.  
21 Right.  
22 UNIDENTIFIED SPEAKER: I meant slash.  
23 Okay.  
24 MR. TIM HUMPHRIES: Anybody else?  
25 Yes, sir?

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1 MR. J. B. SMITH: Yes, J. B. Smith  
2 again. Are all the state county clerks  
3 having the problem that we've had in

4 Phillips, Lee and Monroe, St. Francis  
5 County, as far as trying to determine where  
6 to send the ballot -- get enough ballots?  
7 Is it as bad other places as it is over  
8 here?

9 MR. TIM HUMPHRIES: I can't speak for  
10 all of them, but I know there are a bunch of  
11 them that are having problems in that  
12 regard.

13 MR. J. B. SMITH: Is there any county  
14 clerk here that could speak to that or  
15 comment on that or anything or --

16 MR. TIM HUMPHRIES: You know, that's  
17 not really what we're here for today. I  
18 mean, this is about legislative  
19 redistricting and I -- we can't help you in  
20 that regard. Right.

21 Yes, I think, you know, once we can do  
22 this at the precinct level, I think we can  
23 get those issues ironed out.

24 Yes, ma'am?

25 PAT WHEELER: I am Pat Wheeler. When

1           we send out these -- when -- after the  
2           districts are redrawn and the county clerk  
3           sends out telling everybody what their new  
4           precinct is and where they go to vote and  
5           all, can those cards be used to update the  
6           voter registration list, as far as purging  
7           people who don't live at that address any  
8           longer? Because we have a lot of that and  
9           that -- that's the question I wanted to ask.

10           MR. TIM HUMPHRIES: Well --

11           PAT WHEELER: I know you can't take  
12           them off, because -- for eight years or two  
13           federal elections. But I was talking to  
14           someone in Mississippi, and I don't know if  
15           we work the same way, but we should -- when  
16           one of those letters is returned, then at  
17           the next election, that person -- that  
18           person's name goes on the inactive list and  
19           their name is not sent to the polling place,  
20           because obviously, they no longer live at  
21           that address, if the post office returned  
22           this card.

23           MR. TIM HUMPHRIES: Uh-huh.

24           PAT WHEELER: That means if they come  
25           to vote, they have to update their address

1           and give the correct address, whereas, if  
2           you just send their name to the polling  
3           place and they don't live at that address,  
4           they come vote. They never tell you they've  
5           moved. You don't know where they are.

6                     Is, in our polling places, are inactive  
7           voters -- are their names sent to the  
8           polling places? Can they vote without --

9                     MR. TIM HUMPHRIES: I didn't follow  
10          that. Whose name is sent to the polling  
11          place?

12                    PAT WHEELER: An inactive voter.

13                    MR. TIM HUMPHRIES: Okay.

14                    PAT WHEELER: Is it still on the list,  
15          you know, if their card is returned -- the  
16          post office returns their card --

17                    MR. TIM HUMPHRIES: Uh-huh.

18                    PAT WHEELER: They no longer live at  
19          that address.

20                    MR. TIM HUMPHRIES: Uh-huh.

21                    PAT WHEELER: Are they automatically

22 put on the inactive list?

23 MR. TIM HUMPHRIES: You know, I really,  
24 I'm not prepared to answer those kinds of  
25 questions today, really. We came to -- I

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1 mean, this is strictly about legislative  
2 redistricting, and I don't know -- I'm just  
3 not prepared to answer those kind of --

4 PAT WHEELER: Okay.

5 MR. TIM HUMPHRIES: -- technical  
6 questions about how that actually works in a  
7 given county.

8 There's a provision for doing mail  
9 checks of addresses and things like that,  
10 but I don't know that there's anything --

11 PAT WHEELER: I know, but --

12 MR. TIM HUMPHRIES: Is there such a  
13 thing as an inactive list? Okay. Well, I'm  
14 not sure. I'm not -- I can't answer that.

15 PAT WHEELER: Okay. Who could?

16 MR. TIM HUMPHRIES: I'll tell you what,

17 call my office tomorrow and I'll get you an  
18 answer for that, Tim Humphries, Secretary of  
19 State's office. I'll get you an answer for  
20 that.

21 Anything else? Anybody have anything  
22 about legislative redistricting?

23 (No response.)

24 Okay. I'm glad everybody showed up.  
25 It's good to see a good turnout.

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1 Anybody -- Butch?

2 MR. OLAN REEVES: I just wanted to let  
3 you know, everything that was commented on  
4 today, we will -- the Board will see the  
5 transcripts of all these hearings. They  
6 will know what your comments are.

7 If you want to make sure that they see  
8 it again, put it on our website. All the  
9 comments that are on there with your name  
10 and whatever, they will see that, too. So  
11 if you want to re-emphasize it over, do it

12 again. We will see this transcript, but if  
13 you want to do it again, that's fine, too.

14 MR. TIM HUMPHRIES: And I believe the  
15 transcript of the hearing is going to be on  
16 the website; is that correct?

17 MR. OLAN REEVES: That's right.

18 MR. TIM HUMPHRIES: Yes, sir? You have  
19 a question?

20 UNIDENTIFIED SPEAKER: If these  
21 districts will be redrawn, there has to be a  
22 time frame where the public will be able to  
23 see what you've come up with.

24 If eastern Arkansas is not satisfied,  
25 what's the procedure we go through to change

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1 it, again?

2 MR. TIM HUMPHRIES: We're going to --  
3 after the numbers come in the first of April  
4 or thereabouts, the members of the staff are  
5 going to hole up over in Little Rock and  
6 come up with a plan and we'll be coming back

7 out for hearings sometime -- probably late  
8 May, early June, something like that.  
9 That's our hoped-for target to do that.

10 We'll try to give everybody plenty of  
11 notice of that when we do that.

12 MR. OLAN REEVES: In this time frame  
13 right here -- before October but after  
14 April, you'll be notified just like you were  
15 this time.

16 The plan will already be on our  
17 website, so you can pull it down and look at  
18 it before we get here, and jump on us when  
19 we walk in the door if you're not happy.

20 MR. TIM HUMPHRIES: I expect -- that's  
21 right. It's going to be on the website. As  
22 a matter of fact, we -- I can't guarantee  
23 you this, but we're going to try to get maps  
24 out to every county courthouse -- you know,  
25 just general area maps, at least, to every



2                   see them if you don't have access to the  
3                   web.

4                   Ron Sheffield, our Apportionment  
5                   Director.

6                   MR. RON SHEFFIELD: (Unintelligible) so  
7                   you'll be able to download a free software  
8                   to draw a map.

9                   UNIDENTIFIED SPEAKER: Let me  
10                  understand one more time. If we don't like  
11                  the way it has been handled --

12                 MR. TIM HUMPHRIES: There's going to be  
13                  another hearing like this where you can come  
14                  up and tell us that.

15                 UNIDENTIFIED SPEAKER: Okay. But is  
16                  this going to be a hearing like what's been  
17                  the occasion in the past, nothing changed?

18                 MR. TIM HUMPHRIES: There will be a  
19                  hearing like this. These hearings will  
20                  occur in the summer. Then the Board of  
21                  Apportionment will meet again -- maybe once,  
22                  maybe twice, maybe three times.

23                 In '91, I think there were three or  
24                  four meetings of the Board of Apportionment  
25                  where folks came to Little Rock and stated

1           their views on the districting plan -- on  
2           the proposed districting plan and, as a  
3           result of the other hearings after the plans  
4           were drawn and as a result of hearings  
5           around the state, and as a result of the  
6           hearing in Little Rock, some of the plans  
7           were different. I mean, the plans were  
8           different from what was initially proposed.

9           So those hearings will occur and your  
10          voice will be heard at that time. I can't  
11          guarantee we'll be right here in this room  
12          in Phillips County, we might be up the road,  
13          Forrest City, somewhere, or something like  
14          that. We can't hit all 75 counties. Some  
15          folks will want us to.

16          Anybody else?

17          (No response.)

18          Like I said, thanks for turning out.

19          (Whereupon, at 10:50 a.m., the above-  
20          entitled public hearing was adjourned.)

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C E R T I F I C A T E

STATE OF ARKANSAS       )  
                                  ) ss.:  
COUNTY OF PULASKI       )

I, Sharon Rapelje, Certified Court Reporter and

notary public in and for the County of Pulaski, State of Arkansas, duly commissioned and acting, do hereby certify that the above-entitled proceedings were taken by me in Stenotype, and were thereafter reduced to print by means of computer-assisted transcription, and the same truly, and correctly reflects the proceedings had.

WHEREFORE, I have subscribed my signature and affixed my notarial seal as such notary public at the City of Little Rock, County of Pulaski, State of Arkansas, this the 22nd day of January, 2001.

---

SHARON RAPELJE, CCR  
NOTARY PUBLIC IN AND FOR  
PULASKI COUNTY, ARKANSAS

My Commission Expires:  
September 9, 2009.

